

24773

April 21, 2003

Docket Management Facility (USCG-2001-8773) - 25

Department of Transportation, Room PL-401

400 Seventh Street SW.

Washington, DC 20590-0001

DEPT. OF TRANSPORTATION
DOCKETS

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REF: 46 CFR Part 4 (USCG-2001-8773)

Dear Sir:

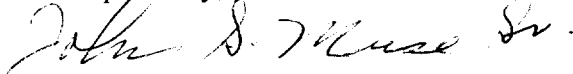
I am a USCG licensed charterboat captain. I offer the following comments in response to the proposed change to 46 CFR Part 4.

I understand that Public Law 105-383 revised Title 46, U.S. Code, section 2303a applies to all commercial vessels. That is, that it requires the Coast Guard to establish procedures ensuring that after a serious marine incident, required alcohol testing be conducted no later than two hours after the casualty. I also understands that there already exists a regulatory requirement for oceangoing vessels to carry alcohol testing devices onboard at all times. I also understand that the proposed Rule will require "all" commercial vessels, regardless of area of operations, to carry some type of device capable of determining alcohol in an individual's system.

I am vehemently opposed to the proposed Rule as written. Specific objection is to § 4.06-15 (a) which will require all marine employers to have sufficient devices onboard their vessel to meet the testing requirements of § 4.06-3. Taken literally as written, this means I must carry such devices onboard my vessel to remain in compliance. It is felt that this is an unreasonable burden to place on me as an inland and near coastal operator. Furthermore, I do not understand how I can legitimately test myself if involved in a serious marine accident. I serve as the employer and the only employee. Who is to perform the test? Who will record the results? How valid would this test be if I give it to myself?

For the above stated reasons, I feel it would be an unnecessary and useless requirement to carry such devices on my vessels. It is also another financial burden placed on any charterboat owner/operator. Therefore I feel that the proposed requirement is unjustified, unreasonable, and not practical.

Respectfully,



Licensed Charterboat Operator